

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1435

Lee County Sheriff's Office

**SPONSOR(S):** Williams

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Military & Local Affairs Policy Committee	13 Y, 0 N	Fudge	Hoagland
2)	Public Safety & Domestic Security Policy Committee		Padgett	Kramer
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

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**SUMMARY ANALYSIS**

The civil service system for the Lee County Sheriff's Office was established by the Florida Legislature in 1974 pursuant to ch. 74-522, L.O.F. This special act was subsequently amended in 1987, 1995, 2007, and 2008. Section 9 of the act governs the qualifications for employment. It prohibits employment of applicants convicted of a misdemeanor for which the penalty is greater than \$300 and/or 90 days confinement. It also requires applicants with military service to have no less than an honorable discharge.

The bill increases the misdemeanor threshold to \$5000 and authorizes applicants who have been discharged for medical or other reasons by only excluding applicants who have been discharged under dishonorable conditions or reasons.

This bill is effective upon becoming law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

The civil service system for the Lee County Sheriff's Office was established by the Florida Legislature in 1974 pursuant to ch. 74-522, L.O.F. This special act was subsequently amended in 1987<sup>1</sup>, 1995<sup>2</sup>, 2007<sup>3</sup>, and 2008<sup>4</sup>. Section 9 of the act governs the qualifications for employment. It prohibits employment of applicants convicted of a misdemeanor for which the penalty is greater than \$300 and/or 90 days confinement.<sup>5</sup>

This section also requires applicants with military service to have no less than an honorable discharge. The Sheriff's Office has encountered some difficulty in applying this language to individuals who have received discharges for medical or for reasons other than dishonorable.

##### Effect of Proposed Changes

The bill increases the monetary threshold for disqualifying misdemeanors from \$300 to \$5000. This amount is consistent with the current amount for a third degree felony.<sup>6</sup> The bill also clarifies the military discharge language to only prohibit those applicants discharged under dishonorable conditions or reasons.

#### B. SECTION DIRECTORY:

Section 1: Amends provision of the Lee County Sheriff's Office civil service act.

Section 2: Provides an effective date of upon becoming law.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

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<sup>1</sup> Ch. 87-547, L.O.F.

<sup>2</sup> Ch. 95-514, L.O.F.

<sup>3</sup> Ch. 2007-320, L.O.F.

<sup>4</sup> Ch. 2008-276, L.O.F.

<sup>5</sup> This amount has not changed since 1974, when a penalty for a second degree misdemeanor was \$500 and for a first degree misdemeanor \$1000. § 775.083, F.S. (1973).

<sup>6</sup> § 775.083,(1)(c), F.S.

IF YES, WHEN? January 22, 2009.

WHERE? In the *News-Press* a daily and Sunday newspaper published in Lee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill increases the monetary threshold for disqualifying misdemeanors from \$300 to \$5,000. Pursuant to s. 775.083, F.S., the maximum misdemeanor fine is \$1,000.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES